

# **Glossary**

## **Terms commonly used in Ontario environmental assessments**

**September 17, 2010**

PIBS 7858e

## Purpose of the Glossary

This glossary has been prepared by the Ministry of the Environment to help you understand terms used in discussing the environment assessment program in Ontario. It is intended only for a lay audience. The intent here is to explain these concepts in as simple a way as possible.

To understand these terms completely, the Ministry of the Environment recommends that the definitions in Codes of Practice and in the legislation be consulted.

## Disclaimer

This glossary is intended for information purposes only. While this glossary contains many commonly used definitions from the *Environmental Assessment Act* and its regulations, it also contains terms that are not defined by the legislation. These terms are added for guidance purposes and are solely intended to explain these concepts in as simple way as possible.

This glossary is not a substitute for the *Environmental Assessment Act* or any of its regulations. In all cases, the wording contained in the *Environmental Assessment Act* would prevail.

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# Explanation of Terms

## A

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### **Aboriginal peoples**

The *Constitution Act, 1982* specifies that Aboriginal peoples include Indian, Inuit and Métis peoples of Canada.

### **Agency**

Canadian Environmental Assessment Agency.

### **alternative design**

A type of alternative method.

### **alternative methods**

Alternative methods of carrying out the proposed undertaking are different ways of doing the same activity.

Alternative methods could include consideration of one or more of the following: alternative technologies; alternative methods of applying specific technologies; alternative sites for a proposed undertaking; alternative design methods; and, alternative methods of operating any facilities associated with a proposed undertaking.

### **alternatives**

Both alternative methods and alternatives to a proposed undertaking.

### **alternatives to**

Alternatives to the proposed undertaking are functionally different ways of approaching and dealing with a problem or opportunity.

### **amendment**

A change to a class environmental assessment which can be initiated by the applicant or Minister:

- Before a Notice of Completion of Review is given under subsection 7.1(2) of the *Environmental Assessment Act*;
- After a Notice of Completion of Review subject to conditions, if any, imposed by the Minister; or,
- In accordance with the amending procedures specified in an approved class environmental assessment.

When the amendments are made, and the class environmental assessment has been resubmitted, a decision to approve, approve with terms and conditions or refuse the undertaking can be considered.

**applicant**

The person seeking approval of a class environmental assessment.

**application**

An application for approval to proceed with an undertaking under subsection 5(1) of the *Environmental Assessment Act*.

**approval**

Approval refers to the approval of Cabinet in respect of a Minister's decision to approve an application under section 13 of the *Environmental Assessment Act*.

As the class environmental assessment process is a self-assessment process, section 5 of the *Environmental Assessment Act* (approval for an undertaking) does not apply to projects as long as they proceed in accordance with the approved class environmental assessment.

**arbitration**

A dispute resolution process in which a neutral third party acceptable to all sides makes a decision (binding or non-binding) to resolve a dispute after hearing the positions of each party at an informal hearing.

**B**

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**Branch**

Environmental Assessment and Approvals Branch, Ministry of the Environment.

**C**

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**Canada-Ontario Agreement on Environmental Assessment Cooperation**

The Canada-Ontario Agreement on Environmental Assessment Cooperation (Agreement) signed in November 2004, the Agreement creates a framework within which the federal and provincial governments can cooperate on environmental assessments for projects that are subject to both *Canadian Environmental Assessment Act* and the Ontario *Environmental Assessment Act*, and confirms their commitment to work together in carrying out their respective powers and duties. The Agreement applies to any person or body that is required to ensure that an environmental assessment is conducted under *Canadian Environmental Assessment Act* and for any person or body having a decision-making authority under the Ontario *Environmental Assessment Act*.

## **class environmental assessment**

A document that sets out a standardized planning process for those classes or groups of activities for which the applicant is responsible. It is also known as a “parent” document in some class environmental assessments. A class environmental assessment is approved under the *Environmental Assessment Act* and applies to projects that are carried out routinely and have predictable environmental effects that can be readily managed. Projects defined within a class environmental assessment require no further environmental approval under section 5 of the *Environmental Assessment Act*, conditional upon being planned according to the procedures set out in the document and not being subject to a Part II Order. All class environmental assessments have a mechanism where the Minister may order that an “individual” environmental assessment be carried out for a particular project, if warranted (Part II Order or “bump-up”).

## **class environmental assessment project**

An undertaking that does not require any further approval under the *Environmental Assessment Act* if the planning process set out in the class environmental assessment document is followed and successfully completed. Any interested person may request the Minister or delegate to order that a class environmental assessment project be bumped up to an “individual” environmental assessment by making a Part II Order.

## **commitment**

Represents a guarantee from a proponent about a certain course of action, that is, “I will do this, at this time, in this way.” Proponents acknowledge these guarantees by documenting obligations and responsibilities, which they agree to follow, in environmental assessment documentation (terms of reference and environmental assessment). Once the Minister and Cabinet approve an application, the commitments within the document are often made legally binding as a condition of approval. Commitments are also found in environmental reports for class environmental assessment projects, electricity projects, waste management projects and transit projects. Although not approved by the Minister and Cabinet, they represent guarantees from a proponent about a certain course of action.

## **conciliation**

A dispute resolution process in which a neutral third party is chosen to convey messages between disputants who are unwilling to meet face-to-face. Conciliation is a tool to help the disputants to identify common ground and to eventually re-establish direct communications.

## **conditions**

Conditions of *Environmental Assessment Act* approval are legally binding and may be used as a compliance tool. Conditions can determine the way in which detail design, implementation and operation or closure of an undertaking will proceed. Conditions of *Environmental Assessment Act* approval will depend on the details of the undertaking and the environmental assessment and may be used to address Government Review Team and public and community concerns.

## **Consolidated Hearings Act**

A hearing under the *Consolidated Hearings Act* allows a decision to be made under more than one statute, including the *Environmental Assessment Act*, *Environmental Protection Act*, *Planning Act*, and others through joint hearings.

## **consultation**

A two-way communication process to involve interested persons in the planning, implementation and monitoring of a proposed undertaking. Consultation is intended to:

- Identify concerns;
- Identify relevant information;
- Identify relevant guidelines, policies and standards;
- Facilitate the development of a list of all required approvals, licences or permits;
- Provide guidance to the proponent about the preparation of various types of environmental assessment documentation;
- Ensure that relevant information is shared about the proposed undertaking;
- Encourage the submission of requests for further information and analysis early in the environmental assessment process;
- Enable the ministry to make a fair and balanced decision.

## **cooperative environmental assessment**

The environmental assessment of a proposed project where Canada and Ontario have an environmental assessment responsibility, and they cooperate to meet the legal environmental assessment requirements of both Parties.

## **D**

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### **Deadlines Regulation**

Refers to Ontario Regulation 616/98, which establishes the timing of reviews and decisions for terms of references, environmental assessments and class environmental assessments by the ministry.

### **Director**

Director of the Environmental Assessment and Approvals Branch, Ministry of the Environment.

### **do nothing alternative**

An alternative that is typically included in the evaluation of alternatives that identifies the implications of doing nothing to address the problem or opportunity that has been identified. Also referred to as the “null” alternative in some class environmental assessments.

## E

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### **early neutral evaluation**

A dispute resolution process in which disputants and their representatives meet to present their positions and arguments to each other and to a third party, before a formal hearing process is set to begin. The third party will assist the disputants to identify issues, assess the strength of the arguments of each of the disputants, and, if requested, may assist the disputants to explore settlement options.

### **elevation**

During the mandatory review period for reports prepared under the Environmental Screening Process for electricity or waste projects, members of the public, government agencies or Aboriginal peoples with significant outstanding environmental concerns may make a written request to the Director to elevate a project to a more rigorous level of assessment, including an individual environmental assessment.

### **environment**

The *Environmental Assessment Act* defines environment to mean:

- (a) Air, land or water;
- (b) Plant and animal life, including human life;
- (c) The social, economic and cultural conditions that influence the life of humans or a community;
- (d) Any building, structure, machine or other device or thing made by humans;
- (e) Any solid, liquid, gas, odour, heat, sound, vibration or radiation resulting directly or indirectly from human activities; or,
- (f) Any part or combination of the foregoing and the interrelationships between any two or more of them.

### **environmental assessment**

Environmental assessment is a study, which assesses the potential environmental effects (positive or negative) of an individual proposal. Key components of an environmental assessment include consultation with government agencies and the public; consideration and evaluation of alternatives; and, the management of potential environmental effects. Conducting an environmental assessment promotes good environmental planning before decisions are made about proceeding with a proposal. This is also referred to as an "individual" environmental assessment.

### **Environmental Assessment Act**

The *Environmental Assessment Act* (and amendments and regulations thereto) is a provincial statute that sets out a planning and decision-making process to evaluate the potential environmental effects of a proposed undertaking. Proponents wishing to proceed with an

undertaking must document their planning and decision-making process and submit the results from their environmental assessment to the Minister for approval.

### **Environmental Assessment Coordinator**

The assigned staff person from one of the ministry's five regional offices. Environmental Assessment Coordinators administer provincial environmental assessment requirements by managing the ministry's technical review, ensuring that concerns specific to the ministry's mandate are provided to the proponent to be addressed, and providing guidance on the specific processes, provisions and requirements of class environmental assessments and Environmental Screening Processes.

### **environmental effect**

The effect that a proposed undertaking or its alternatives has or could potentially have on the environment, either positive or negative, direct or indirect, short- or long-term.

### **environmental report**

Any report or documentation prepared for a class environmental assessment project which describes how the class environmental assessment project was planned to meet the requirements of the approved class environmental assessment. It is typically called an environmental study report. Also known as project plan, project file, environmental screening report, environmental study report, consultation and documentation record. The names vary by class environmental assessment.

### **Environmental Review Tribunal**

An administrative body that has the authority under the *Environmental Assessment Act* to conduct hearings when they are required by the Minister of the Environment.

The Environmental Review Tribunal is an independent and impartial tribunal established by provincial legislation. The Tribunal functions as a quasi-judicial body, subject to the rules of natural justice and the requirements of the *Statutory Powers Procedure Act*. The Tribunal's primary role is adjudicating applications and appeals under various environmental and planning statutes.

### **Environmental Screening Process**

An Environmental Screening Process is a streamlined, proponent-led, self-assessment process. Proponents of electricity projects designated under section 4 of Ontario Regulation 116/01 (Electricity Projects Regulation) must successfully complete the process described in Part B of the *Guide to Environmental Assessment Requirements for Electricity Projects, March 2001*. Proponents of waste management projects designated under Part III of Ontario Regulation 101/07 (Waste Management Projects Regulation) must successfully complete the process described in Part B of the *Guide to Environmental Assessment Requirements for Waste Management Projects, March 15, 2007*. As part of the process, proponents must also consult with the public and agencies and prepare documentation.

**expert federal authority**

A federal authority that has specialist or expert information or knowledge with respect to a project that can be provided to a responsible authority, mediator or panel during an environmental assessment, including expertise on the implementation of mitigation measures and any follow-up program.

**F**

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**facilitation**

A dispute resolution process in which a neutral third party assists disputants in the discussion of issues and concerns by encouraging participation, helping to keep the discussion on track, maintaining a constructive atmosphere and summarizing areas of agreement or disagreement.

**fact-finding**

A dispute resolution process in which disputants share information about technically complex issues. The goal of fact-finding is to promote an understanding of the issues so that the disputants can begin to discuss potential solutions. A neutral third party may or may not be involved.

**federal authority**

A federal authority is defined under the *Canadian Environmental Assessment Act* to mean:

- (a) A Minister of the Crown in right of Canada;
- (b) An agency or other body of the federal government ultimately accountable to Parliament through a federal Minister of the Crown;
- (c) Any department or departmental corporation set out in Schedule I or II of the *Financial Administration Act*; and,
- (d) Any other body that is prescribed pursuant to regulation under the *Canadian Environmental Assessment Act*.

**G**

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**Government Review Team**

Staff from government ministries and agencies (federal; provincial, including local Conservation Authorities; and, municipal, including local Boards of Health) who contribute to the review of environmental assessment documentation (terms of reference, environmental assessment and class environmental assessment) by providing comments from their mandated areas of responsibility. In the class environmental assessment context, there is no formal Government Review Team.

## H

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## I

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### **impact management measures**

Measures which can lessen potential negative environmental effects or enhance positive environmental effects. These measures could include mitigation, compensation, or community enhancement.

### **“individual” environmental assessment**

A term used to describe the application for and the process of seeking approval under Part II of the *Environmental Assessment Act*. (see environmental assessment)

### **interested persons**

Individuals or organizations with an interest in a particular undertaking. Persons with an interest in a particular undertaking often include neighbours and individuals, environmental groups or clubs, naturalist organizations, agricultural organizations, sports or recreational groups, organizations from the local community, municipal heritage committees, ratepayers associations, cottage associations, Aboriginal peoples and businesses.

Interested persons are not required to demonstrate that they will personally be affected by a particular undertaking. Interested persons are often called stakeholders.

## J

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### **Joint Board**

An administrative body that has the authority under the *Consolidated Hearings Act* to conduct joint hearings under more than one statute, including the *Environmental Assessment Act*, *Environmental Protection Act*, *Planning Act*, and others.

## K

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## **L**

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### **litigation**

An adversarial dispute resolution process in which the legal issues in dispute are argued before a judge or an expert panel that is authorised to make a binding decision on the matter. In the environmental assessment process, litigation may take the form of a hearing before the Environmental Review Tribunal and/or Court applications or appeals.

## **M**

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### **Master Plans (Official Plan)**

Master Plans are long range plans, integrating infrastructure requirements for present and future land use with environmental planning principles. These plans examine the whole infrastructure system in order to outline a framework for planning for subsequent projects and/or developments.

### **mediation**

A dispute resolution process in which a neutral third party (mediator) who is acceptable to all parties assists disputants in reaching a mutually acceptable agreement. The mediator has no authority to impose a settlement and participation in the process is voluntary.

### **mediator**

A neutral third party who helps parties to a dispute achieve a mutually acceptable and good faith solution through mediation.

### **Minister**

Minister of the Environment.

### **ministry**

Ministry of the Environment.

### **Ministry Review**

The Ministry Review is a document which is prepared by the ministry during the review and approval process for environmental assessments and class environmental assessments. The Ministry Review outlines whether the proponent of a project or class environmental assessment process is in compliance with its approved terms of reference; how the proponent has met the requirements under the *Environmental Assessment Act*, including public consultation; and, the ministry's analyses of the public, Aboriginal, and government agency comments received by the ministry on the environmental assessment or class environmental assessment. Once the Ministry Review is published and a notice of completion is issued, all members of the public,

Aboriginal communities, and agencies have a final opportunity to submit their comments to the ministry on the Ministry Review, the environmental assessment documentation or the proposed undertaking. Requests to the Minister to consider sending the application for a hearing on significant outstanding environmental issues can also be submitted at this time.

### **Ministry Technical Reviewers**

Ministry of the Environment staff, other than the Project Officer, who contribute to the review of the draft and proposed terms of reference. They form part of the Government Review Team for the proposal.

### **monitoring**

The activities carried out by the applicant after approval of an undertaking to determine the environmental effects of the undertaking ("effects monitoring"). Monitoring can also refer to those activities carried out by the Ministry of the Environment to ensure that an applicant complies with the conditions of approval of the class environmental assessment ("compliance monitoring").

Effectiveness monitoring is a third type of monitoring in which an applicant evaluates how effectively its class environmental assessment is working in the planning and implementation of its class environmental assessment projects.

## **N**

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### **negative environmental effects**

Negative environmental effects are the negative effects that a project has, or could potentially have, directly or indirectly on the environment at any stage in the project life cycle. Negative environmental effects may include, but are not limited to, the harmful alteration, disruption, destruction, or loss of natural features, flora or fauna and their habitat, ecological functions, natural resources, air or water quality, and cultural or heritage resources. Negative environmental effects may also include the displacement, impairment, conflict or interference with existing land uses, businesses or economic enterprises, recreational uses or activities, cultural pursuits, social conditions or the local economy.

### **negotiation**

A dispute resolution process in which disputants try to bring about issue resolution through discussions and compromise. A neutral third party may or may not be invited to participate.

### **net effects**

Negative environmental effects of a project and related activities that will remain after mitigation and impact management measures have been applied.

## O

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## P

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### **Part II Order**

Formerly known as a “bump-up,” a Part II Order is an order issued by the Minister that makes a class environmental assessment project an undertaking that is subject to Part II of the *Environmental Assessment Act*.

### **parties**

Persons who are parties in a mediation or other dispute resolution process. This term normally includes the proponent, but not the mediator nor resource persons who do not have a stake in the outcome. Generally, parties should include those persons who are directly affected by the issue under discussion, those who will have responsibility for implementing the resolution of the issue and any other persons who will be affected by or otherwise need to know how the issue is proposed to be resolved.

### **places of public record**

Official locations where interested persons may review the proposed terms of reference and environmental assessment.

### **Project Evaluator**

The assigned staff person from the Environmental Assessment and Approvals Branch who manages and coordinates the review of requests for Part II Orders for class environmental assessment projects or elevation requests on electricity or waste projects, subject to the *Environmental Assessment Act*.

### **Project Officer**

The assigned staff person from the Environmental Assessment and Approvals Branch who manages and coordinates the review of the components of an *Environmental Assessment Act* application (that is, a terms of reference or an environmental assessment) for approval. The Project Officer also provides guidance on the environmental assessment process to proponents, government agencies and other interested persons.

### **proponent**

A person, agency, group or organization who carries out or proposes to carry out an undertaking or is the owner or person having charge, management or control of an undertaking.

**public record file**

A record of every undertaking for which there is an application for approval under the *Environmental Assessment Act* which is maintained by the Environmental Assessment and Approvals Branch in accordance with section 30 of the *Environmental Assessment Act* for the purpose of creating a record that is available to any interested persons. This does not extend to all class environmental assessment projects, only those for which a Part II Order is proposed.

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**R**

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**Record of Consultation**

A document submitted with the proposed terms of reference that describes the consultation carried out during the preparation of the terms of reference and the results of that consultation.

**Referred Mediation**

Mediation that is ordered by the Minister under the *Environmental Assessment Act* and to which section 8 of the act applies or Director under the Electricity Projects or Waste Management Projects regulations.

**Regional Director**

Director of one of the five regional offices of the Ministry of the Environment.

**regulatory agency**

Government ministries, agencies, authorities, or departments (federal; provincial, including local conservation authorities; and, municipal, including local boards of health) who may have an interest, participate and contribute to the review of documentation prepared by the proponent for a transit project by providing comments based on their mandate.

**S**

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**Self-directed Mediation**

Mediation that is initiated by interested persons and/or the proponent during the environmental assessment process, but to which section 8 of the *Environmental Assessment Act* does not apply.

### **stand-alone document**

Additional documentation prepared separately from the terms of reference, which provides more information, but is not subject to the approval of the Minister (for example, Record of Consultation and supporting documentation).

### **supporting documentation**

Documentation that is submitted to the ministry, in addition to the proposed terms of reference, which provides further information on issues discussed in the proposed terms of reference. Information contained in the supporting documentation should support the proponent's request that the terms of reference be approved by providing justification for the choices made and details of processes or methodologies to be used. These are routinely submitted as stand-alone documents.

## **T**

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### **terms of reference**

A document prepared by the proponent and submitted to the Ministry of the Environment for approval. The terms of reference sets out the framework for the planning and decision-making process to be followed by the proponent during the preparation of an environmental assessment or class environmental assessment. In other words, it is the proponent's work plan for what is going to be studied and includes a consultation plan. If approved, the environmental assessment must be prepared according to the terms of reference.

### **transit project**

A transit project is defined as an undertaking consisting of:

- (a) An enterprise or activity that is the planning, designing, establishing, constructing, operating, changing or retiring of a facility or service that, aside from any incidental use for walking, bicycling or other means of transporting people by human power, is used exclusively for the transportation of passengers by bus or rail, or anything that is ancillary to a facility or service that is used to support or facilitate the transportation of passengers by bus or rail; or,
- (b) A proposal, plan or program in respect of an enterprise or activity described in clause (a) above.

### **transit project assessment process**

The transit project assessment process is defined in sections 6 through 17 in Ontario Regulation 231/08. It consists of various steps and requirements. It is a focused impact assessment process that includes consultation, an assessment of potential positive and negative impacts, an assessment of measures to mitigate negative impacts, and documentation such as the preparation of an Environmental Project Report.

**trigger**

Circumstances that oblige a prescribed body or a federal authority to ensure that an environmental assessment is conducted under the *Canadian Environmental Assessment Act* or its regulations. The circumstances under which a federal authority must ensure that an environmental assessment is conducted under *Canadian Environmental Assessment Act* occur when a federal authority has a specified decision-making responsibility in relation to a project, specifically when a federal authority is the proponent of a project; provides financial assistance to the proponent; makes federal lands available for the project; or, issues certain permits or licences, or other approvals.

**U**

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**undertaking**

An enterprise, activity or a proposal, plan, or program that a proponent initiates or proposes to initiate.

**V**

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**W**

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**X**

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**Y**

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**Z**

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